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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,689	12/09/1999	MICHAEL S. PASIEKA	PHA23871	6774

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT PAPER NUMBER

2136

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/456,689	Applicant(s) PASIEKA, MICHAEL S.	
	Examiner Pramila Parthasarathy	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communication filed on October 17, 2005. Original application contained Claims 1 – 20. Applicant has not canceled any claims. Applicant has amended claim 7. No new claims are added. Therefore, Claims 1 – 20 are pending.

Claim Rejections - 35 USC § 101

2. Applicant's arguments, see amendment, filed 10/17/2005, with respect to Claim 1, have been fully considered and are persuasive. The 35 USC 101 rejection of Claim 1 has been withdrawn. Rejection to Claims 2 – 15 has been withdrawn.

Claim Rejections - 35 USC § 112

3. Applicant's arguments, see amendment, filed 10/17/2005, with respect to Claim 7, have been fully considered and are persuasive. The 35 USC 112 rejection of Claim 7 has been withdrawn.

Response to Arguments

4. Applicant's arguments filed 10/17/2005 have been fully considered but they are not persuasive.

Referring to the previous office action, Examiner has cited relevant portions of the reference as a means to illustrate the system as taught by the prior art. As a means for providing further clarification as to what is taught by the references used in the previous office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims.

Applicant agrees with the examiner that Gruse discloses a certificate revocation list associated with (i.e., maintained by) a Clearinghouse 105, but regarding claims 1, 16 and 17, Applicant argues that Gruse does not teach "a contact list comprising information identifying one or more other entities that have attempted to communicate with the Clearinghouse 105 in Gruse" and "utilizing such a contact list in conjunction with the revocation list maintained by Clearinghouse 105 to determine which of those other entities are authorized to communicate with Clearinghouse 105". These arguments are not found persuasive.

Gruse discloses "The clearing house(s) is responsible for the rights management functions including enablement of Electronic digital content Store(s) 103, verification of rights to content 113, integrity and authenticity validation wherein the Clearinghouse(s)

105 goes through a verification process to validate the authenticity of the entity that is selling the content and the rights that the End-user device(s) 109 has to content 113. ". Gruse also discloses an electronic digital content store 103 that requests Clearinghouse which creates a digital certificate (digital content label) that includes a unique serial number, the signing algorithm, a rang of dates for which certificate is considered to be valid. Gruse further discloses that the Clearinghouse maintains a database of digital certificates (contact list) that it has assigned and the entities that have the public key 621 of the Clearinghouse(s) 105 can validate the certificate wherein the Clearinghouse(s) 105 maintains a digital certificate revocation list as well (See Gruse Column 44 line 22 – Column 45 line 41).

Furthermore, Gruse discloses the Clearinghouse(s) 105 utilizes both the contact list and the revocation list to determine to verify the integrity and the validity of the digital signature and authorizes secure digital content electronic distribution system (See Gruse Column 45 line 44 – Column 46 line 25).

Regarding Claim 16, Applicant argues that Gruse does not discloses, "a processor-based device" and regarding Claim 17, Applicant argues that Gruse does not discloses, "an article of manufacture comprising a machine-readable storage medium containing one or more software programs for use in controlling access to information".

In response to applicant's arguments, the recitation "a processor-based device" or "an article of manufacture comprising a machine-readable storage medium containing one or more software programs for use in controlling access to information",

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has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the amended subject matter “a contact list comprising information identifying one or more other entities that have attempted to communicate with the given entity” and “utilizing such a contact list in conjunction with the revocation list maintained by the given entity to determine which of those other entities are authorized to communicate with the given entity”, broadly recited in the amended independent claims 1, 16 and 17. The dependent claims 2 – 10, 12 – 15 and 18 – 20 are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action. Accordingly, the rejection for the pending claims 1 – 10 and 12 – 20 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruse et al. (US Patent 6,389,538).

Regarding Claim 1, Gruse teaches and describes

maintaining, for a given entity controlling access to the information, a contact list comprising information identifying one or more other entities which have attempted to communicate with the given entity (Column 45 lines 17 – 56); and

utilizing the contact list in conjunction with a revocation list associated with the given entity to determine which of at least a subset of the one or more other entities are authorized to communicate with the given entity (Column 45 lines 17 – 56). Applicant's Admitted Prior Art (AAPA) discloses an access control system that receives an identifier from the intended receiving device, compares this identifier to the revocation list and managing the revocation list using a variety of techniques (Page 2 line 14 – Page 3 line 7).

Regarding Claim 16, Gruse teaches and describes

a processor-based device for controlling access to information, wherein the processor-based device is operative to maintain a contact list comprising information identifying one or more other entities which have attempted to communicate with the processor-based device (Column 45 lines 17 – 56), and

to utilize the contact list in conjunction with a revocation list associated with the given entity to determine which of at least a subset of the one or more other entities are authorized to communicate with the processor-based device (Column 45 lines 17 – 56). Applicant's Admitted Prior Art (AAPA) discloses an access control system that receives an identifier from the intended receiving device, compares this identifier to the revocation list and managing the revocation list using a variety of techniques (Page 2 line 14 – Page 3 line 7).

Regarding Claim 17, Gruse teaches and describes

maintaining, for a given entity a controlling access to information, a contact list comprising information identifying one or more other entities which have attempted to communicate with the given entity (Column 45 lines 17 – 56); and

utilizing the contact list in conjunction with a revocation list associated with the given entity to determine which of at least a subset of the one or more other entities are authorized to communicate with the given entity (Column 45 lines 17 – 56). Applicant's Admitted Prior Art (AAPA) discloses an access control system that receives an identifier from the intended receiving device, compares this identifier to the revocation list and

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managing the revocation list using a variety of techniques (Page 2 line 14 – Page 3 line 7).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes the given entity and at least a subset of the one or more other entities each comprise a consumer electronics device (Column 45 lines 17 – 56).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes the maintaining and utilizing steps are implemented in an access control system associated with the given entity (Column 45 lines 17 – 56).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes the contact list comprises a local revocation list stored in the access control system (Column 45 lines 17 – 56).

Claim 13 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes periodically generating a digital signature for at least a portion of the contact list (Column 16 line 42 – Column 17 line 38 and Column 45 lines 17 – 56).

Claim 15 is rejected as applied above in rejecting claim 1. Furthermore, Gruse teaches and describes each of at least a subset of the other entities stores a contact list having entries corresponding to entities which have attempted to communicate with those other entities (Column 45 lines 17 – 56).

Claim 18 is rejected as applied above in rejecting claim 16. Furthermore, Gruse teaches and describes the contact list comprises a plurality of entities each entry including at least an identifier of a particular one of the other entities and a corresponding revocation flag indicating whether authorization of the particular entity has been revoked (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 19 is rejected as applied above in rejecting claim 17. Furthermore, Gruse teaches and describes the contact list comprises a plurality of entries, each entry including at least an identifier of a particular one of the other entities and a corresponding revocation flag indicating whether authorization of the particular entity has been revoked (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Gruse teaches and describes the revocation list comprises a local revocation list stored in the access control system (Column 45 lines 17 – 56).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Gruse teaches and describes updating the contact list after a modification of the revocation list (Column 45 lines 17 – 56).

Claim 8 is rejected as applied above in rejecting claim 5. Furthermore, Gruse teaches and describes updating the contact list if a new entity not already included in the contact list attempts to communicate with the given entity (Column 45 lines 17 – 56).

Claim 12 is rejected as applied above in rejecting claim 5. Furthermore, Gruse teaches and describes the contact list is configured such that the revocation flag of a particular entry may not be cleared once that flag has been set as long as that entry remains in the contact list (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 20 is rejected as applied above in rejecting claim 19. Furthermore, Gruse teaches and describes the programs when executed implement the further step of updating the contact list after a modification of the revocation list (Column 45 lines 17 – 56).

Claim 14 is rejected as applied above in rejecting claim 13. Furthermore, Gruse teaches and describes updating the digital signature each time the contact list is updated (Column 16 line 42 – Column 17 line 38 and Column 45 lines 17 – 56).

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Gruse teaches and describes updating the contact list after a modification of the revocation list further includes the steps of:

identifying all of the entities in the contact list that do not have their corresponding revocation flag set (Column 45 lines 17 – 56); and

determining, for each of the entities identified as being on the contact list but not having a set revocation flag, whether that entity is on the modified local revocation list, setting its revocation flag in the contact list (Column 45 lines 17 – 56).

Claim 9 is rejected as applied above in rejecting claim 8. Furthermore, Gruse teaches and describes updating the contact list if a new entity not already included in the contact list if a new entity not already included in the contact list attempts to communicate with the given entity further includes the steps of:

storing in the contact list an entity identifier for the new entity if there is sufficient space available in the contact list (Column 45 lines 17 – 56 and Column 78 lines 41 – 65); and

determining if the new entity is on the revocation list; and if it is, setting the corresponding revocation flag the new entity in the contact list (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Claim 10 is rejected as applied above in rejecting claim 9. Furthermore, Gruse teaches and describes selecting a particular entry of the contact list for removal from the contact list if there is not sufficient space available in the contact list for the new entity (Column 45 lines 17 – 56 and Column 78 lines 41 – 65).

Allowable Subject Matter

6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on Tuesday – Thursday 8:00a.m. To 3:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

December 10, 2005.

QQ
Pramila Examiner
AU 2136
12/14/05